OTHER VIEWS

Joe Guzzardi

White House deaf to immigration alarm bells

Showing complete indifference to his party's fate, President Joe Biden is doing all he can to damage Democrats' chances for election in the upcoming midterms and his reelection in 2024.

Biden's resolute determination to harm the Democrats may be explained several ways. At age 79, Biden has achieved his lifelong goal of becoming president. After at least two failed efforts in 1988 and 2008, and possibly a third failure, depending on how the facts are interpreted from 1984, Biden is finally in the White House.

Another possible explanation is that Biden knows Democratic leadership considers him, at best, inconsequential, and that Barack Obama is still embraced as the party's hero. Biden has no reason to care about his fellow Democrats' fate if they're indifferent to him. At a White House event to celebrate Obamacare's 12th anniversary, Biden wandered alone and aimlessly as his apathetic Democratic colleagues flocked giddily around Obama.

Maybe the most obvious reason explains everything. At age 79, Biden is too old to care about his 2024 political future. He's climbed the White House Mountain; no taller summit remains to conquer.

Perhaps the best indicator of Biden's reelection disinterest is his refusal to heed his personal, confidential polling firm's advice on the key issues that concern the nation, specifically immigration and inflation. A New York Times article, "Biden Received Early Warnings that Inflation and Immigration Could Erode his Support," shows the president has recklessly and lawlessly pressed ahead on open borders and illegal immigration.

Early on in his presidency, according to the article, Biden enjoyed strong national support, but his favorability quickly eroded as the border crisis intensified. The John Anzalone-headed research team found that because voters feel that Biden and his deputies are clueless when it comes to designing a plan to combat the festering border crisis, immigration represents an intensifying vulnerability for the president.

Biden's failure to slow migration is, the pollsters concluded, "starting to take a toll." As early as last spring, when trafficked unaccompanied minors strained Health and Human Services capacities, pollsters warned that "immigration is the only issue where the president's ratings are worse with our targets than with voters overall." And on July 9, "President Biden continues to hold weaker, negative ratings on two hot-button issues [immigration and crime] that have been recently bubbling up."

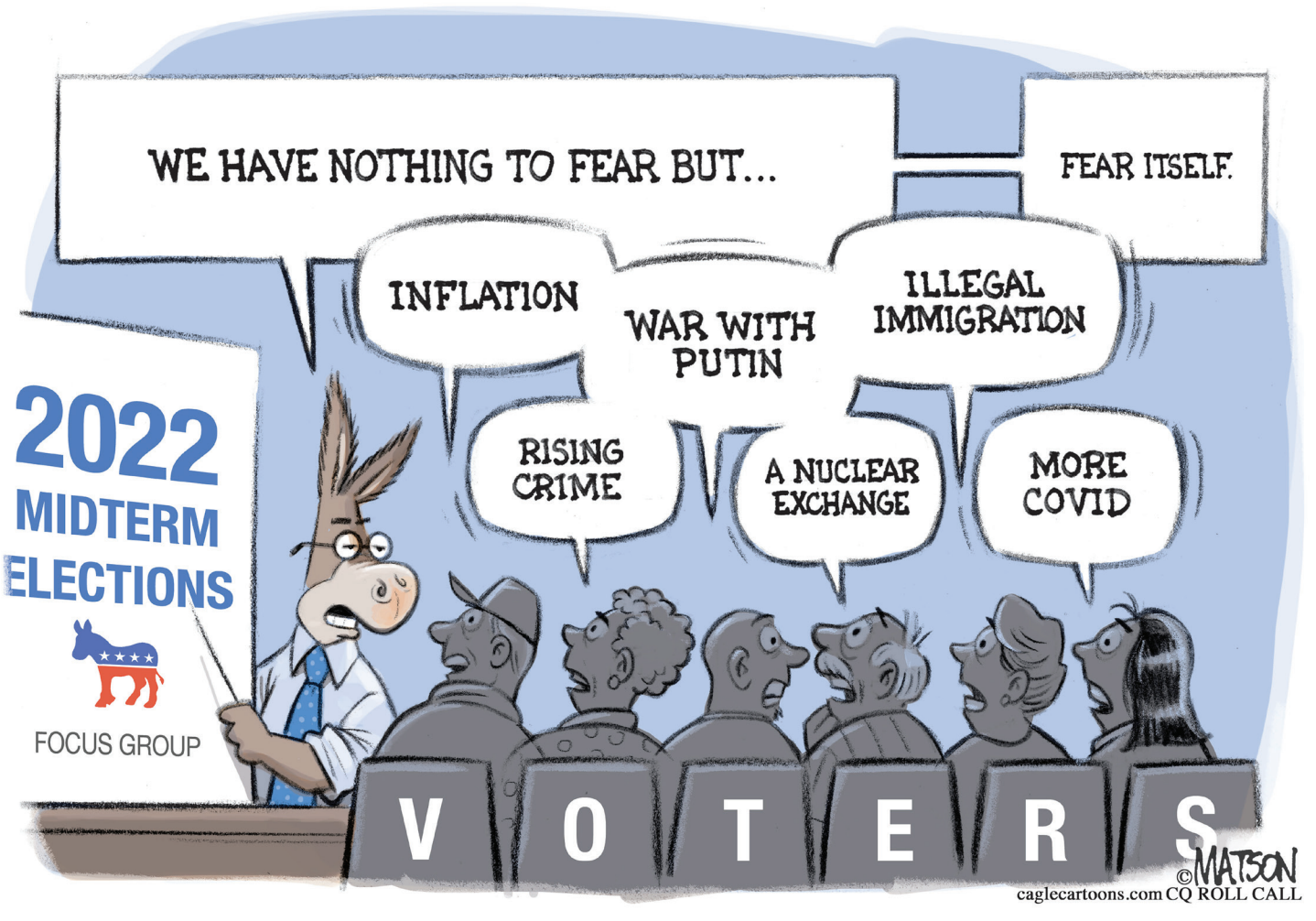
Despite his pollster's immigration red flags, and the unanimous national consensus that Vice President Kamala Harris' discover-the-root-causes solution to migration is a bad joke played on U.S. citizens, on May 23, Biden intends to lift Title 42, which has been an important tool in turning away illegal border crossers for health reasons. A Louisiana federal judge's temporary restraining order that the administration has agreed to honor may delay Title 42's removal, but if it's shelved, DHS officials anticipate 18,000 illegal immigrants a day will flood the border.

DHS Secretary Alejandro Mayorkas announced what he optimistically labeled as a plan to cope with the historic surge. The costly concept includes spending more taxpayer money on medical support, and more funding for air and ground transportation to release the migrants into the interior from the border. As a footnote to its plan, DHS added that it will use Expedited Removal more frequently. Border agents scoff at the mere suggestion it will be a useful tool. Once aliens claim fear of persecution if returned home, an Expedited Removal converts to a notice to appear which migrants rarely honor. Migrants are spreading the word among each other that the keys to getting U.S. residency are the words, "Fear of Persecution."

The Times story misses the point, perhaps purposely, about Biden and his cronies. The administration didn't need to pay taxpayer funds to a professional pollster to advise it that Americans are unhappy. Biden et al don't care. The arrival of mostly poor, unskilled, limited English-speaking aliens from 150 nations through mass immigration is a fundamental elitist goal.

While the 2022 mid-terms and congressional control may be at risk in the short-term, the long-term picture that will erase the middle-class and end American sovereignty looks rosy to the Biden administration.

Joe Guzzardi is a Progressives for Immigration Reform analyst who has written about immigration for more than 30 years. Contact him at jguzzardi@pfirdc.org.



State's billion-dollar timber case might be better resolved by Legislature

OTHER VIEWS

Randy Stapilus

The state court case of Linn v. Oregon has involved a stake of a billion dollars and turned on a subtle interpretation of state law, but it ought to cause Oregonians to reflect on the meaning of … value.

The value, that is, of their state lands.

The case Linn County v. State of Oregon and State Forestry Department is being fought (it will no doubt be appealed to the Oregon Supreme Court) over whether the state owes 15 counties about a billion dollars — no small consideration by itself.

Here's the basis for the claim.

In 1931, the Oregon Legislature passed a law setting up a program to expand state forest operations (then just a couple of decades old). The state Forestry Board was allowed to obtain land from counties, whether by gift or purchase or other transfer. In voluntary agreements, as long as the land would be used for "[g]rowing forest crops, water conservation, watershed protection, [or] recreation;" these tracts would become state forest lands.

The counties would be compensated. Since some of those lands would be leased, or the state would get other payments for their use, the counties would by law receive from the state "5 cents per acre annually and 12½% of all revenues received from said lands."

State laws controlled how state forestry was supposed to manage its lands, but the basic rule was, "The board shall manage the lands acquired pursuant to this act so as to secure the greatest permanent value of such lands to the state."

Beyond that, the details have been up for grabs.

Differing benefits

Lands used for water conservation, for example, aren't likely to generate as much immediate income as lands used for forestry. How the lands are used reflects how much money the counties receive.

The counties maintain that if the state had managed the lands for the highest payout, they would have over the years gotten about a billion dollars more than they did.

What exactly, precisely, was this deal between the state and the counties? Was it a contract or something a little less formal?

That can matter, because contracts legally often are taken to have a long shelf life, and their terms can (in some cases) supersede laws. Or were these agreements just administrative actions, which could be altered over time?

That's the core issue in the new Court of Appeals decision. The court distilled the matter this way: "For the purposes of our analysis, the dispositive issue presented by defendants' seventh assignment of error [there were other issues the court didn't specifically address] is whether the board's obligation to manage certain forestlands 'so as to secure the greatest permanent value of those lands to the state' … is a term in a statutory contract between the state, on the one hand, and various Oregon counties, on the other. Plaintiffs say yes; defendants say no."

A billion dollars rests largely on that obscure point.

The decision was almost a split-the-difference matter, in that it held that a contract of sorts had been made and the counties did have a financial interest they could seek to protect in court. But the court also ruled, "We treat a statute as a contractual promise 'only if the legislature has clearly and unmistakably expressed its intent to create a contract."

The reason for that is simple reason: The acts of one legislative session ordinarily cannot bind those of another session in the future (just as a future governor typically can reverse actions taken by a previous governor).

Court's view

The court also didn't accept the counties' argument that the state had committed to managing the lands in a specific way, that "the greatest permanent value" necessarily equated to the highest immediate payout to the counties. Maybe "permanent value" implies a different kind of management.

Here we come to what, for most of us, should be the core of the matter: What does "greatest permanent value" mean?

A state administrative rule says it "means healthy, productive, and sustainable forest ecosystems that over time and across the landscape provide a full range of social, economic, and environmental benefits to the people of Oregon." Several benefits are listed — timber production, fish and wildlife environments, protection against flooding, recreation and more — but actually managing the lands means balancing these objectives.

How best to balance those benefits is also a matter of time and conditions. The best use of the lands may have seemed far different in 1931 than in 2021, or how they may seem decades from now.

This is the sort of messy calculation that, strange as it may seem, politics should help resolve. It sounds like another useful subject for this year's gubernatorial campaigns to address.

Randy Stapilus has researched and written about Northwest politics and issues since 1976 for a long list of newspapers and other publications. A former newspaper reporter and editor, and more recently an author and book publisher, he lives in Carlton.

B2H seeks to overstep noise laws meant to protect Oregonians' health, safety and welfare

OTHER VIEWS

Fuji Kreider

Ever hear the snap, crackle, pop or humming of transmission lines? Would you want to live near them? How about hike, fish or recreate in your favorite park with those sounds buzzing in the background? This is corona noise. High-voltage transmission lines, such as the proposed Boardman to Hemingway line, emit a low humming or crackling noise that is referred to as "corona sound."

The corona sound emitted by B2H will not exceed Oregon's maximum allowable industrial sound levels (so you won't go deaf); however, it will exceed what's called "ambient antidegradation standard." This standard says that an industrial sound cannot exceed the natural (ambient) background sound more than 10 decibels (dBA) in any given hour of a day (24-hour period). Every increase of 10 dBA is experienced by humans as a doubling of the sound. This ambient degradation standard was created and put into law to protect Oregonians' health, safety and welfare. Health studies have shown that this type of sound can affect sleeping patterns and people's health.

So what is the Stop B2H Coalition's contested case about? If the state of Oregon rules that Idaho Power must comply with the state's noise control standards, the project is unpermittable. Therefore, Idaho Power is asking the state for an exception to the rules and a complete variance from the rules. A variance would raise the ambient background an additional 10 dBA — a blanket variance for 300 miles. The exception would be for specific residents along the way where Idaho Power already knows there will be noise exceedances from the rules. There are 42 predicted by Idaho Power; we believe there are likely more.

Our case has been brought forward by Stop B2H plus four individuals. We have all taken different angles to this issue in an attempt to demonstrate that Idaho Power cannot comply with the law and should not qualify for an exception or variance. Our issues include: 1) Insisting on strict compliance to Oregon laws and rules, including what constitutes "infrequent foul weather" (when corona is loudest) and what qualifies for exception and variance (remember: sound doubles with every 10 dBA). 2) The boundary for the noise study was arbitrarily reduced by Oregon Department of Energy staff (1 mile to 0.5 mile). 3) The monitoring stations used to measure background (ambient) sound were not "representative" of rural residential areas (e.g., adjacent to the Union Pacific railroad). 4) The ODOE lacks legal authority to issue the variance. 5) The mitigation measures proposed, which essentially amount to an "after-the-fact" complaint process and window treatments, are not mitigation. The law says that the Commission on Environmental Quality (CEQ) is supposed to be the only entity able to issue a variance — not ODOE.

By Idaho Power's admission, there is not a technological way to mask corona noise. Idaho Power is proposing retrofitting some houses and providing new windows to those affected as mitigation. Apparently, Idaho Power doesn't realize that many Eastern Oregonians spend time outside their homes: feeding livestock, working the land, recreating and enjoying the outdoors on a regular basis. Many of us live in this rural region of the state for the very peace and quiet we enjoy.

Corona noise is an industrial intrusion that our laws are supposed to prevent. Unfortunately, we have to prevail in this case to preserve what we have. Please Support Stop B2H and check us out at www.stopb2h.org.

Fuji Kreider, of La Grande, is the secretary/treasurer of the Stop B2H Coalition. She is a community organizer and organizational development consultant who has worked in various sectors and countries. She loves to cook, travel to off-the-beaten-path locations, hike, raft and play with friends.